

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

MASSACHUSETTS

BRENDA COMEAU AND  
KENDRA LARKIN  
V.

SUMMONS IN A CIVIL ACTION

O'CHARLEY'S, INC., AND  
99 RESTAURANTS, LLC

05 11088 JLT

CASE NUMBER:

TO: (Name and address of Defendant)

O'CHARLEY'S, INC.  
3038 Sidco Drive,  
Nashville, TN 37204

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

J. Whitfield Larrabee, Esq., 4 Cypress Street, Suite 6, Brookline, MA  
02445,

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

(By) DEPUTY CLERK

MAY 25 2005


(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Proof and Return of Service

I, J. Whitfield Larrabee, hereby certify and return that on June 1, 2005, I mailed via certified mail, return receipt requested, a copy of the attached summons together with a copy of the complaint to Lawrence E. Hyatt, Registered Agent for Service of Process, O'Charley's, Inc., 3038 Sidco Drive, Nashville, TN 37204 in accordance with Federal R.Civ. P. 4(e)(1), Mass. R. Civ. P. 4(c) and 4(e), and Mass. Gen. Laws ch. 223A sec. 3. Defendant received said summons and complaint on 6/6/2005. See attached cover letter, certified mail receipt and return receipt.

Signed under the penalties of perjury.

Dated: June 14, 2005



J. Whitfield Larrabee  
Attorney for the Plaintiffs  
Brenda Comeau and Kendra Larkin

**J. WHITFIELD LARRABEE**

larrabee@corporateliabilitylaw.com  
web:www.corporateliabilitylaw.com

TRIAL & APPELLATE LAWYER  
4 CYPRESS STREET, SUITE 6  
BROOKLINE, MASSACHUSETTS 02445

Telephone: (617) 566-3670  
Facsimile: (617) 507-6435

June 1, 2005

Lawrence E. Hyatt  
Registered Agent for Service of Process  
O'Charley's, Inc.  
3038 Sidco Drive  
Nashville, TN 37204

Re: Brenda Comeau and Kendra Larkin v. O'Charley's, Inc. and 99 Restaurants, LLC,  
United States District Court for the District of Massachusetts,  
Civil Action No. 05 11088 JLT

Dear Sir:

Enclosed please find a copy of the Complaint and Demand For Trial By Jury and a copy  
ion.

u under the Massachusetts long-arm statute, G.L.c.  
s. R. Civ. P. 4(c) and Mass. R. Civ. P. 4(e).

ntion to this matter.

Very truly yours,

*J. Whitfield Larrabee*

J. Whitfield Larrabee

T REQUESTED

<b>SENDER: COMPLETE THIS SECTION</b> 1. Article Addressed to: Lawrence E. Hyatt Registered Agent for Service of Process O'Charley's, Inc. 3038 Sidco Drive Nashville, TN 37204		<b>COMPLETE THIS SECTION ON DELIVERY</b> A. Signature <input checked="" type="checkbox"/> S. Soria B. Received by (Printed Name) S. Soria C. Date of Delivery 6/16/05 D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
2. Article Number (Transfer from service label) 7005 0390 0003 2406 0067		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. <input type="checkbox"/> Yes	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

<b>U.S. Postal Service<sup>TM</sup></b> <b>CERTIFIED MAIL<sup>TM</sup> RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided) For delivery information visit our website at www.usps.com.		UNIT ID: 0146 Postmark Here Clerk: KYW9HF 06/01/05
Postage	\$ 1.29	Total Postage & Fees \$ 5.34
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Sent To Lawrence E. Hyatt, O'Charley's Street, Apt. No., or PO Box No. 3038 Sidco Drive City, State, ZIP+4 Nashville, TN 37204		See Reverse for Instructions

2900 9042 E000 06ED 5002